

REMARKS

Claims 1-10 and 12 are pending in this application. By this Amendment, the specification and claims 1-7, 9 and 10 are amended, claim 11 is cancelled and claim 12 is added. In particular, claim 1 is amended to include the features of claim 11, claim 2 is amended to incorporate features of claim 7 and to recite a first heart-sound determining means, claim 3 is amended to incorporate features of claim 7 and to recite a second heart-sound determining means, claim 4 is amended to incorporate features of claims 7 and 8 and to recite first and second heart-sound determining means, claim 5 is amended to incorporate features of claim 8, and claim 6 is amended to recite a waveform determining means. Furthermore, minor amendments were made to claims 7, 9 and 10. Support for the features of claim 12 can be found at least in Figure 4 and paragraphs [0059] and [0060] of the substitute specification.

The specification was rejected under 35 U.S.C. §112, first paragraph.

By this Amendment, the specification has been amended, via a substitute specification, in order to avoid the superfluous use of commas to join multiple sentence fragments. No new matter has been added by the substitute specification. Paragraphs [0057] and [0058] also have been amended to clarify the structure of the heart-sound determining means. Applicants also assert that the claims are clear in view of the amendments to the specification and claims as discussed above. It is respectfully requested that the rejection be withdrawn.

Claims 1-13 were rejected under 35 U.S.C. §112, second paragraph. There are only 11 original claims. It is thus assumed that only claims 1-11 are rejected. By this Amendment, claims 1-7, 9 and 10 are amended as discussed above in order to clarify the claims. As such, all of the pending claims are clear and definite. It is respectfully requested that the rejection be withdrawn.

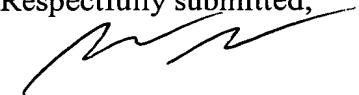
Claim 11 was not rejected under 35 U.S.C. §§102 or 103. Furthermore, the features of claim 11 have been incorporated into claim 1.

The rejection of claims 1-10 under 35 U.S.C. §102(b) over Hellenbrand, U.S. Patent No. 3,985,121, the rejection of claims 1-10 under 35 U.S.C. §102(b) over Johnson et al., U. S. Patent No. 5,025,809, the rejection of claims 1-10 under 35 U.S.C. §103(a) over Lester et al., U.S. Patent No. 4,129,125 in view of Bennett, Jr. et al., U.S. Patent No. 5,012,815 have been rendered moot by the incorporation of the features of claim 11 into claim 1.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-10 and 12 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Scott M. Schulte
Registration No. 44,325

JAO:SMS/sxb

Attachments:

Petition for Extension of Time
Marked Up Specification
Clean Specification

Date: July 23, 2004

OLIFF & BERRIDGE, PLC

P.O. Box 19928

Alexandria, Virginia 22320

Telephone: (703) 836-6400

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